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ANALYSIS OF FUNDAMENTAL RIGHTS

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ABSTRACT

¹The Indian Constitution has some rights that affect how people live their lives. These rights give people a sense of direction and a plan for their lives. This paper is about the six fundamental rights: The Right to Equality, The Right to Freedom, The Right against exploitation, The Right to Freedom of religion, Cultural and Educational Rights and The Right to Constitutional Remedies.

The paper studies these rights in detail so people can understand them better. It also explains the rules about these rights in the Indian Constitution. The goal of this paper is to learn more about these rights and their importance. It also looks at how relevant these rights are in today's society and talks about their strengths and weaknesses. The Indian Constitution talks about these rights from Article 12 to 35. The paper will also brief the history of fundamental rights. These rights are also known as the '*Bill of Rights*'. The main job of these rights is to protect people from treatment and to help when someone's rights are taken away.

The rights in the Indian Constitution are meant to help people become individuals. They are supposed to guide people to live lives and make good decisions. The Fundamental Rights are very important for people in India because they help keep everyone safe and treated fairly. The Indian Constitution and the Fundamental Rights are essential, for the country and its people.

KEYWORDS: Fundamental Rights, Indian Constitution, Freedom, Untouchability, government, minority

INTRODUCTION

The Constitution of India is the law in the country and shows the dreams of a democratic country that is focused on justice, freedom, equality and togetherness. One of the important parts of the Constitution are the Fundamental Rights that are found in Part III. These rights give people protection from actions, by the government and make sure that every person is treated with respect and has freedom.

¹Eprajournals, <https://eprajournals.com/pdf/fm/jpanel/upload/2025/February/202502-01-020103> (last visited Aug 2, 2026).

Harold Laski said, “*Rights are those conditions of social life without which no man can seek, in general, to be at his best*”, this definition by Laski sparks light upon the importance of Rights in individual’s life. The people in India derive their rights from the Indian Constitution. The Constitution is the supreme law of the land and also known as Grundnorm. The Constitution is a handwritten document; and is considered as the lengthiest in the world. The Constitution came into force on 26th January 1950. At the time of its beginning Indian constitution contained 395 articles, 22 parts, and 8 schedules. It has approximately 448 articles, 25 parts, and 12 schedules. In this manner, Fundamental Rights in the Constitution is contained in Part III, which is from Article 12 to 35. Fundamental rights are important to study because they constituted the bedrock of the Indian democratic system. These things give us the ways we need to be safe and have the things we need. They also help us get to the point where we can be free and make our choices, which is really important for people to grow and be all they can be. These freedoms and liberties are the keys, to helping people reach their potential.

²HISTORICAL DEVELOPMENT OF FUNDAMENTAL RIGHTS

Let's start with the major milestones that shaped fundamental rights and it begins from England 1215:

I. Magna Carta (1215): The First Seed of Rights: The Magna Carta, which is also known as the Great Charter was signed on 15 June 1215 by King John of England. This document is really important because it is seen as the beginning of constitutionalism and individual rights in the world. The Magna Carta was not like the documents we have today but it had some very important ideas that later influenced the way legal systems worked including the one, in India.

II. English Bill of Rights (1689): Est. Rights & Freedoms: After the Glorious Revolution of 1688, where King James II was overthrown and replaced by William III and Mary II, the English Parliament enacted the Bill of Rights in 1689 to limit the monarchy's powers and establish a constitutional monarchy in England. This document was essentially a contract between the monarch and Parliament which ensures that the king or queen could no longer rule without the consent of the governed. The Bill of Rights helped create a system where the monarch had to work with the English Parliament.

III. American Bill of Rights (1791): When the United States Constitution was written in 1787 it did not have promises about civil freedoms. To deal with worries, from states and people who were afraid the federal government might take much power the first ten amendments were added in 1791. These amendments created the modern list of rights that could be enforced. These amendments were legally required for the federal government to follow.

IV. Swaraj Bill of 1895: Aka Constitution of India Bill: The Swaraj Bill of 1895 was the first known attempt by Indians to draft a written constitutional framework for self-rule under British colonial rule. Drafted by a group of early Indian nationalists, under the guidance of Bal Gangadhar Tilak and Dadabhai Naoroji, the bill

²History of fundamental rights in India, Finology Legal,
<https://finologylegal.in/blog/constitutional-developments/history-of-fundamental-rights-in-india> (last visited Aug 2, 2026).

symbolised a growing constitutional consciousness among Indians as early as the 19th century. The document was written in a legal style and contained 110 articles. It covered a number of individual rights –

- A. Right to free speech
- B. Right to property,
- C. Equality before the law
- D. Structures of government
- E. Separation of powers.

V. Simon Commission (1927) & Indian Response: Later, the Simon Commission was appointed by the British government in November 1927 under the leadership of Sir John Simon. Its purpose was to assess the working of the Government of India Act, 1919 (Montagu–Chelmsford Reforms) and recommend further constitutional reforms. However, the Commission included no Indian members.

VI. Nehru Report (1928): India's First Draft Constitution: In response to the Simon Commission, the Indian National Congress drafted the Nehru Report in 1928 under the chairmanship of Motilal Nehru. This was the first Indian attempt to frame a Constitution for self-governance.

VII. Karachi Resolution (1931): A Vision for Rights & Justice: In March 1931, just six days after Bhagat Singh, Sukhdev, and Rajguru were executed, the Indian National Congress adopted the Karachi Resolution, drafted by Jawaharlal Nehru. It was the first clear blueprint for Independent India's rights and socio-economic policies. It also inspired the Directive Principles of State Policy (Part IV) of the Indian Constitution.

VIII. Cripps Mission (1942): A Shift Towards Constitution-Making: With World War II underway and growing calls for Pakistan by the Muslim League, the British sought Indian cooperation. In 1942, they sent Sir Stafford Cripps with a proposal:

- India would be granted Dominion Status after the war.
- A Constituent Assembly would be set up, including Indian representatives, to frame a Constitution.
- Provinces could opt out of the Indian Union.

This led directly to the launch of the Quit India Movement.

IX. Quit India Movement (1942): The Final Push: Mahatma Gandhi launched the movement in August 1942. It called for the immediate and unconditional end of British rule. Slogan: “*Do or Die*” became the rallying cry of the nation.

X. Cabinet Mission Plan (1946): Towards Transfer of Power: After the war, the British government sent the Cabinet Mission (comprising three senior ministers) to India to discuss power transfer. This formally began the constitution-making process, ultimately leading to the Constitution of India, 1950.

³HOW WERE FUNDAMENTAL RIGHTS FRAMED?

When the Constituent Assembly set out to draft the Constitution, it didn't rely on just one committee. Instead, it appointed 22 different committees to handle different aspects of constitution-making. Out of these, one stood out for its historic task of framing Fundamental Rights: The Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas, chaired by Sardar Vallabhbhai Patel.

This committee had the following subcommittees headed by:

- **Fundamental Rights Sub-Committee** – J. B. Kripalani
- **Minorities Sub-Committee** – Harendra Coomar Mookerjee,
- **North-East Frontier Tribal Areas and Assam Excluded & Partially Excluded Areas Sub-Committee** – Gopinath Bordoloi
- **Excluded and Partially Excluded Areas (Apart from those in Assam) Sub-Committee** – A V Thakkar

And hence comes the 7 Fundamental Rights (Articles 12–35)

- Right to Equality (Articles 14–18 of the Constitution)
- Right to Freedom (Articles 19–22 of the Constitution)
- Right against Exploitation (Articles 23–24 of the Constitution)
- Right to Freedom of Religion (Articles 25–28 of the Constitution)
- Cultural and Educational Rights (Articles 29–30 of the Constitution)
- Right to Property (Article 31 of the Constitution) (removed by the 44th Amendment (1978))
- Right to Constitutional Remedies (Article 32 of the Constitution)

⁴OBJECTIVES AND METHODOLOGY OF THE STUDY

This study aims to:

1. Analyze the six fundamental rights enshrined in the Indian Constitution.
2. Examine their role in upholding democracy and social justice.
3. Investigate the challenges associated with their implementation.
4. Highlight their relevance in contemporary Indian society.

METHODOLOGY: The research follows a qualitative approach, relying on secondary sources such as books, scholarly articles, constitutional texts, and online resources. Analytical and comparative methods have been employed to evaluate the significance of fundamental rights, their historical context, and their practical implementation in modern India.

³Committees of Constituent Assembly - Indian polity notes, <https://prepp.in/news/e-492-committees-of-constituent-assembly-making-of-the-indian-constitution-indian-polity-upsc-notes> (last visited Aug 2, 2026).

⁴ Ibid.

⁵FUNDAMENTAL RIGHTS AVAILABLE TO THE CITIZENS ONLY

1. **Article 15:** Prohibition and discrimination on the grounds of religion, caste, language, gender and place of birth.
2. **Article 16:** Equality of opportunity in the matters of public employment.
3. **Article 19:** Six freedoms mentioned under it.
4. **Article 29:** Protection of language, script and culture of minorities.
5. **Article 30:** Right of minorities to establish and administer educational institutions.

⁶FUNDAMENTAL RIGHTS AVAILABLE TO BOTH CITIZENS AND NON-CITIZENS

- **Article 14:** Equality before law and protection of law.
- **Article 20:** Protection in respect of conviction of offences.
- **Article 21:** Protection of life and personal liberty.
- **Article 21A:** Right to elementary education.
- **Article 22:** Protection against arrest and detention in certain cases
- **Article 23 & 24:** Right against exploitation
- **Article 25 to 28:** Right to religion.

AMENDABILITY OF FUNDAMENTAL RIGHTS

The Supreme Court in the case of ⁷**Kesavananda Bharati, v. State of Kerala (1974)** decided that Parliament has the power to change any part of the Constitution, including the rights but this power is limited by the 'basic structure' of the Constitution. The Supreme Court has not clearly explained what makes up the structure. It also has not provided a list of what the basic structure includes. The top court however said that new parts can be added to the structure but nothing can be removed. The Supreme Court in rulings has said that the following parts are part of the basic structure of the Constitution. –

- Sovereignty of India;
- Democracy;
- Secularism;
- Republic;
- Free and fair elections;
- Judicial review, etc.

In ⁸**Minerva Mills v. Union of India (1980)**, the Hon'ble Supreme Court held that the basic structure of the Indian Constitution is inviolable and cannot be amended in a way to destroy its basic features. It reiterated that the basic structure doctrine includes the following principles:

- Supremacy of the Constitution;

⁵Fundamental rights - a critical analysis dr. Radha Varada,
<https://www.mcrhrdi.gov.in/6thmesfc2023/week4/FUNDAMENTAL%20RIGHTS-A%20CRITICAL%20%20%20EVALUATION.pdf> (last visited Aug 2, 2026).

⁶ *Ibid.*

⁷ Kesavananda Bharati v. State of Kerala is (1973) 4 SCC 225, AIR 1973 SC 1461).

⁸ Minerva Mills v. Union of India are AIR 1980 SC 1789 and (1980) 3 SCC 625.

- Democratic principles;
- Rule of law;
- Protection of fundamental rights.

⁹**DETAILED ANALYSIS OF FUNDAMENTAL RIGHTS IN INDIA (Article 12 to Article 35)**

1. **Article 12:** Article 12 of the Indian Constitution defines an inclusive definition of the term of the ‘State’. The Hon’ble Supreme Court in ¹⁰**Ajay Hasia v. Khalid Mujib (1980)** laid down some factors in order to determine whether an entity can be regarded as an agent or instrumentality of the state.

Those factors are as follows:

- Whether the corporation’s share capital is held by the Government or not;
 - Whether all the expenses of the corporation are covered by the Government’s financial assistance or not;
 - Whether the corporation has a monopoly status or is protected by the State;
 - Whether there is a strict governmental control over the corporation;
 - Whether the corporations act for the public good and are closely related to the governmental functions;
 - Whether a government department has been transferred to the corporation.
2. **Article 13:** Article 13 is significant because it protects fundamental rights from arbitrary state actions. It is a protective provision as it was prioritised by the framers of the Constitution. This provision ensures that the government does not infringe the fundamental rights by any action. It also provides the power of judicial review to the Supreme Court. The Hon’ble Supreme Court, in the case of ¹¹**R.M.D.C. v. Union of India (1957)**, determined matters of ‘severability’ relate to substance rather than form. The Hon’ble Court ruled that in ascertaining the legislative intent on the question of severability, the historical background, purpose, title, and Preamble of the legislation can be taken into account.
 3. **Article 14: Right to Equality:-** It aspires to ensure Equality in society. As to promote egalitarian social set up as far as possible. There are five articles (14 to 18) under this segment. It promotes the provision of maintaining Equality in the society. It includes Equality before law and equal protection of law. Equality before law signifies that no person, whether rich or poor, high or low, official or non-official, is above the law, in the country. The law is the supreme ruler of the land. Moreover, protection of law indicates that a poor man by birth has low chances to compete and win with a wealthy and high status person, in pursuit of things like, education, business, employment, etc., and for this reason to ensure that everyone is given equal chances to grow and compete, here positive

⁹Sneha Mahawar, Fundamental rights under the Indian Constitution iPleaders (2024), https://blog.ipleaders.in/fundamental-rights-under-the-indian-constitution-a-comprehensive-guide-with-case-law-s/#Importance_of_fundamental_rights (last visited Aug 2, 2026).

¹⁰ Ajay Hasia v Khalid Mujib, (1981) 1 SCC 722.

¹¹ R.M.D. Chamarbaugwalla v. Union of India (1957) are 1957 AIR 628 and 1957 SCR 930.

discrimination is allowed. This interesting concept of 'equality before law' as an element concept of '*Rule of Law*', as propounded by **A.V. Dicey**, the British Jurist. His concept includes another important aspect: Absence of arbitrary power, that is, no man can be punished except for a breach of law.¹²

4. **Article 15 & 16: Prohibition of Discrimination:-** The state is not allowed to discriminate its people on the basis of religion, race, caste, sex, or place of birth. People should have equal access to shops, public restaurants, hotels, and public entertainment; or the use of wells, tanks, bathing ghats, roads and places like public resort. Interestingly, positive discrimination (special privilege) as mentioned in Article 16 is allowed while providing reservation for women, children, socially and educationally backward classes, in educational institute and various other organizations. This prohibition against discrimination is in line with United Nations Office of the High Commissioner for Human Rights (OHCHR) statement, where it states clearly about the Human Rights. As fundamental rights are just the Human Rights available to all individuals. As OHCHR states that Human Rights are available and intertwined to all of humans, not discriminating based on sex, ethnic origin, colour, religion, language, etc. and they are among the most basic requirements in human civilized society. Equality of Opportunity in Public Employment. It speaks about employing all population sections in jobs equally, and representing equal employment from all population sections in jobs equally, and representing equal employment from all racial, ethnic, caste etc., equally in government employment. The constitution says that the government should implement special programs and schemes for improving the living condition of especially the vulnerable population of the society like those of children, women, Socially and Educationally Backward Classes. By providing 'job reserved seats' and seat quota reservation in educational institutions.
5. **Article 17: Abolition of Untouchability:-** This term 'untouchability' is an old evil practice of socially excluding phenomena to lower caste (class) people by the upper caste section in the Indian society. This undesirable practice had been in practice for a long period of Indian history. **For example**, denying of entry to store, hotel, nightclubs, public amusement facility, public services-reservoir, tap, and other source of water; road, a public pasture, or crematorium, and the like. This Article 17 in the Indian constitution bans 'untouchability' practice completely. The practice is a punishable offence. It is protected under Civil Rights Act of 1955 where it comprehensively bans the unwanted social practice.
6. **Article 18: Abolition of Titles:-** To ensure social status equality, this provision was provided. As in the past, during the colonial rule in India, hereditary title like Maharaja, Raj Bahadur, Rai Saheb, Dewan Bahadur, etc, were in vogue. Accordingly, the only acceptable titles are that of academic and military excellence.

¹² M Laxmikanth (2020) Indian Polity: For Civil Services And Other State Examinations, 6th Revised Edition, Mc Graw Hill Education (India) Private Limited, pp. 7.1-7.32.

7. **Article 19: Right to Freedom:-** There are four articles (19 to 22) under this right to Freedom. This entails the freedoms that are required for a civilized society. The six freedoms mentioned under this right are Freedom of speech and expression: it highlights that the people of India have the right to express his or her views deliberately and openly. The people can express through either writing, printing, picturing; other rights included here are Freedom of press, right to know about government activities, Freedom of silence. But in certain exceptional cases this Freedom of speech and expression could be curtailed, for example in 'defamation case' which means to defame someone or destroy someone's image. It is punishable under Section 356 of BNS. Some other restrictions are sovereignty and integrity of India, public order, contempt of court etc. and other reasonable grounds of restrictions. Freedom of assembly gives right to people to assemble or gather in peaceful manner, without arms. For the purpose of public meeting, demonstrations, and taking out processions. Freedom of association includes all citizens that have been given the Freedom to form association or co-operative societies; it could be in the form of political parties, companies, societies, clubs, organizations, trade unions and the like. Freedom of movement gives Freedom to citizens to move to and from any part of Indian territory. A restriction under this Freedom is that Scheduled Tribe areas could be made an area of restrictive entry, for outside population. It is to protect and preserve their unique language, culture, customs, traditional vocation and properties against exploitation. Freedom of residence provides all citizens have the right to reside and settle in any part of the country, either temporarily or permanently.
8. **Article 20: Protection in conviction cases:-** The law gives protection to people who are accused of doing something whether they are from the same country or, from another country. The law protects them in these ways: it makes sure that someone cannot be punished two times for the thing this is called no double jeopardy. The law says that someone who is accused of doing something should not have to say things that will get them into trouble. The law also says that things that happened a time ago cannot be made into a crime now just because a new law is made. This means that something that was not a crime when it happened cannot be made into a crime now and the person who did it cannot be punished for it now. The law protects the accused person. Makes sure that they are treated fairly and that they do not get punished unfairly for the same crime twice. The accused person, whether they are a citizen or a foreigner has the right to be protected by the law. The law makes sure that they are not punished wrongly.
9. **Article 21: Right to life and personal liberty:-** The right to life is an important right in the Indian Constitution. It is a right that means nobody can take away someone's life unless it is done according to the law. If we do not protect the right to life then all the other rights are words on a piece of paper. The right to life includes things like the right to live with dignity. A life with dignity is a life that's worth living. We need to feel alive and good about ourselves. The right to life also includes the right to livelihood, which means we have the right to work and earn money. We have the right to privacy which means we can keep our things to ourselves. We also have the right to shelter which means we have a place to live. The right to health is also part of the right to life which means we can go to the doctor

when we are sick. We have the right to free education up to 14 years of age so we can. Become smart. The right to free aid is also important which means we can get help from a lawyer if we need it. We have the right to a trial, which means we do not have to wait too long for the court to decide our case. We have the right to travel abroad which means we can visit countries. The right to sleep is also part of the right to life which means we can rest and feel safe. We have the right to emergency aid, which means we can get help right away if we are very sick. The right to life also includes the right to freedom from noise pollution, which means we can live in a peaceful place. We have the right to sustainable development, which means we can live in a way that's good for the earth. We have the right to opportunity which means we can try things and achieve our goals. The right to life also protects us against things like inhuman treatment, bonded labour and custodial harassment. The right to life is an important right that helps us live a good and happy life. The Indian Constitution includes all these points under the right, to life.

10. **Article 22: Right to fair arrest and detention:-** It gives the rights to the detained person to be consulted by a lawyer and to be defended in a court of law. It also gives an arrested person the right to be produced before a magistrate within twenty four hours of the arrest made. And preventive detention is also included, where a suspect is arrested on grounds that the person is likely to commit a crime in the immediate future, and its various conditions of arrest and release procedures.
11. **Article 23-24: Right against exploitation:-** **Article 23** of the Indian Constitution safeguards individuals against both the State's actions and those of private persons. It mandates the State to take proactive measures to eradicate practices such as human trafficking, begar and different types of bonded labour. It also expressly prohibits 'bonded labour' as a type of forced labour within this provision. This protection extends to both citizens and non-citizens of India. Under **Article 24** of the Indian Constitution, there is a strict prohibition on the employment of children below the age of fourteen years to work, especially in factories, mines and other hazardous occupations. This prohibition is done to safeguard public health and ensure the safety of children. The Hon'ble Supreme Court in **People's Union for Democratic Rights v. Union of India (1982)**¹³ ruled that construction work falls under hazardous employment and no child below the age of fourteen years can be employed for construction work, even if the industry is not specifically listed in the schedule of the Employment of Children Act, 1938. To enforce this provision, various laws were enacted.
12. **ARTICLE 25-28: Right to Freedom of religion:-** To maintain the secularism in the country, there are four articles under this (25 to 28) to maintain it. The Freedom of religion is considered as significant element of democracy. In the past there were rulers around the world, who did not allow anyone to follow religions of their choice. Those who disobeyed the rule were either punished or forced to convert religion. To change the scenario the democratic setup of government has always incorporated the secularism as its basic tenet. Freedom of religion also includes the Freedom of conscience which

¹³ People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473 or (1982) 3 SCC 235.

means that a person may choose to follow any religion or may not choose to follow any religion.¹⁴ Regarding government role in religion in the country, the government has the power to regulate religious activities in case of correcting social evils. **For example** in the past, Government has banned practice of sati, bigamy or human sacrifice for the greater good of the society. Right against religious tax provides right against payment of tax for the promotion of any of the religion in the country. It also interpret that the tax collected or public money cannot be used for promotion or maintenance of any particular religion.

- 13. Article 29 & 30: Cultural and educational rights:-** To ensure that the cultural and educational rights of especially the minorities is protected, this fundamental rights is important. Minority's cultural rights provides that the citizens of India especially those of minority population, those minorities that are having a distinct language, script or culture, have the right to protect them, and do necessary steps to preserve them. A statement in the Constituent Assembly Debate (CAD) has it saying as: “ *a heavy responsibility would be cast on the majority to see that in fact the minorities feel secure...the only safety for the minorities lies in a Secular State. It pays them to be nationalists...The majority community should not boast of their national outlook...They should try to place themselves in their position of the minorities and try to appreciate their fears. All demands for safeguards...are the product of those fears that the minorities have in their minds,...as regards their language, their script and also about services*”.¹⁵ This article mentions that minorities either religious or linguistic minority can establish their own educational institution. In his manner they can protect, preserve and develop their own distinct cultures that they have. The government will not do discrimination while aiding them for their development and prosperity.¹⁶

CONSTITUTIONAL REMEDIES (ARTICLE 32 - 35)

This right provides the solution and remedy for fundamental rights violation. It is considered as the most important fundamental right among all. D.R. B.R. Ambedkar called this right ‘*the heart and soul of the Indian constitution*’.¹⁷ As it provides the rights to citizens to approach Supreme Court and High Court when rights are violated, and to get them enforced. In this scenario, the court can issue orders like Habeas Corpus, Mandamus, Prohibition, Quo Warranto, Certiorary. Also, there are other statutory bodies enacted to protect the fundamental rights beside the judiciary. They are National Commission on Women, National Commission on Minorities, The National Commission on Scheduled Castes etc., all these statutory bodies have been established for the protection of Human Rights of the people in India.

¹⁴ M Laxmikanth (2020) Indian Polity: For Civil Services And Other State Examinations, 6th Revised Edition, Mc Graw Hill Education (India) Private Limited, pp. 7.1-7.32.

¹⁵ National Council of Educational Research and Training (NCERT) (2020) Indian Constitution At Work: Textbook In Political Science For Class XI, NCERT, Sri Aurobindo Marg, New Delhi 110 016.

¹⁶ M Laxmikanth (2020) Indian Polity: For Civil Services And Other State Examinations, 6th Revised Edition, Mc Graw Hill Education (India) Private Limited, pp. 7.1-7.32.

¹⁷ Austin, G. (1996) The Indian Constitution: Cornerstone of a nation, Oxford University Press.

¹⁸The following five types of writs are mentioned under Article 32:

- **Habeas Corpus** :- The term ‘Habeas Corpus’ means “to have the body of”. As per this writ, the court has the authority to call upon any person who is being detained to assess the legality of their detention.
- **Certiorari**:- The term ‘Certiorari’ means “to be certified”. By virtue of this writ, a higher court reviews a case that has been tried in a lower court. It is basically employed to seek judicial review of a decision given by a court or a government authority.
- **Prohibition**:- The writ of ‘Prohibition’ is issued by a court to restrict or prohibit the lower courts, tribunals and other such quasi-judicial authorities from acting beyond their legal authority. It is employed to check inactivity, whereas the writ of Mandamus checks activity.
- **Mandamus**:- The term ‘Mandamus’ means “We command”. This writ is employed by the court to direct a public official who has failed or refused to do his duty, to resume his work. The writ of Mandamus is also issued against a public body, an inferior court, a corporation, a tribunal, or a government.
- **Quo Warranto**:- The term ‘Quo Warranto’ means “By what authority or warrant”. The Supreme Court or high courts employ this writ to avoid illegal usurpation of a public office by an individual. The writ of Quo Warranto authorises the court to examine the legality of a person’s claim to a public office.

IMPORTANT JUDGMENTS ON FUNDAMENTAL RIGHTS

- **The Secretary, Ministry of Defence Vs Babita Punia and Others** Upholds the Constitutional commitment to the equality and dignity of women in all spheres.
- **Priya Khurana Vs Union of India**: The Court held that the public interest in the maintenance of the Armed Forces have to be treated equally in balancing the restrictions of Fundamental Rights of the officers in the Armed Forces. Accordingly, Article 33 which imposes restrictions on Fundamental Rights guaranteed in Part-III in application to the members of Armed Forces is overridden in these cases in the realm of gender equality.
- **State of Jharkhand and Others Vs Brahmaputra Metalics Limited, Ranchi** Denial of legitimate exception is an infringement to Article 14.
- **Siddaraju Vs State of Karnataka**: The Supreme Court held that the people with disabilities Persons with Disability Act, 1995 are capable of discharging full functions to their post, reservations in promotion is not forbidden under 16(i). Accordingly the Union was also directed to reserve promotions up to 3% for people with disabilities.
- **Anuradha Bhasin Vs Union of India**: Writ petition was filed challenging order under Section 144 of Code of Criminal Procedure was implemented by District Magistrate which restricted unlawful gathering and internet in Jammu and Kashmir-after Article 370 was revoked. The Court held that Right to Internet is one of the integral parts of Article 19 (1) (a). It also acknowledged the internet being the

¹⁸Sneha Mahawar, Fundamental rights under the Indian Constitution iPleaders (2024), https://blog.ipleaders.in/fundamental-rights-under-the-indian-constitution-a-comprehensive-guide-with-case-laws/#Importance_of_fundamental_rights (last visited Aug 2, 2026).

medium of terrorism-which could not be done unless necessary. So is the Section 144 to be imposed only on drastic situations.

- **Arnab Ranjan Goswami Vs Union of India:** In this case the petitioner moved to Supreme Court under Article 32 for the protection of Journalists Fundamental Rights to the freedom of speech and expression under Article 19(1)(a). The Supreme Court held the journalists freedom lies at the core of speech and expression protected by Article 19 (1) (a) but its not absolute and is answerable to the legal regime as per Article 19(2). It was held the Journalist under Article 19(1)(a) is higher than the right of the citizen to speak and express.
- **Prithivi Raj Chouhan Vs Union of India:** The three Judge bench decided the constitutional validity of Section 18A of the Schedule Caste and Schedule Tribes Amendment Act 2018. Anticipatory bail is neither a statutory Right nor Fundamental Rights under Article 21

¹⁹CRITICISM OF THE FUNDAMENTAL RIGHTS

The critics have pointed out some issues with the rights. Firstly the rights we have are mostly about politics. We do not have rights for social and economic things like the right to work, social security, the right to a job and the right to rest. Many other countries have these rights for their people. **For example** the right to employment and the right to leisure time are important. **Secondly** it is very expensive to get justice in India. The courts are the places where we can protect our fundamental rights. The process of going to court in India is often very costly and takes a long time. Only rich people can afford to go to court and get the help they need. The fundamental rights are not really helping the people who need them the most. The critics say that the fundamental rights are not doing a job of giving people social and economic rights. They also say that the courts are not an option, for most people because they are too expensive and take too long.

²⁰CONCLUSION

The Indian Constitution has something important called Fundamental Rights. These rights are a part of the Indian Constitution and they are for all the citizens of India. Long as the Indian Constitution is there these rights will be there too. The Fundamental Rights make sure that the citizens are safe from the government doing anything to them. If something like that happens the citizens can go to the court to get help. The Fundamental Rights are very important because every person needs them to be a person. This means they need these rights to think and feel and believe what they want.

India is a country that takes care of its people so it has to make sure that everything is fair for both the people and the society. Sometimes the people and the society want things so the Fundamental Rights help figure out what is fair. The Indian Constitution has these rights so that the people and the society can get along.. The government also has to make sure that people do not use these rights in a bad way. So there are some limits, on

¹⁹Eprajournals, <https://eprajournals.com/pdf/fm/jpanel/upload/2025/February/202502-01-020103> (last visited Aug 2, 2026).

²⁰Sneha Mahawar, Fundamental rights under the Indian Constitution iPleaders (2024), https://blog.ipleaders.in/fundamental-rights-under-the-indian-constitution-a-comprehensive-guide-with-case-law/s/#Importance_of_fundamental_rights (last visited Aug 2, 2026).

what people can do. This is to help the society. The Fundamental Rights are still very important. The citizens of India should know about them.